

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for June 23, 2004 PLANNING COMMISSION MEETING

**P.A.S.:** Special Permit #04030

**PROPOSAL:** Expand a nonstandard single-family dwelling into the required side yard setback.

**LOCATION:** 2653 S. 11<sup>th</sup> St.

**LAND AREA:** 7,289 square feet, more or less.

**CONCLUSION:** This application meets the requirements of the zoning ordinance and comprehensive plan.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** The south 37.5 feet of Lot 7, Block 5, Van Dorn Park and the south 37.5 feet of the north 150.0 feet of the south 300.0 feet of Lot 11, Block 8, South Park Addition, located in Section 35, Township 10 North, Range 6 East, Lancaster County, Nebraska

**EXISTING ZONING:** R-4, Residential

**EXISTING LAND USE:** Single family residential

### **SURROUNDING LAND USE AND ZONING:**

North: R-4 Residential  
South: R-4 Residential  
East: R-4 Residential  
West: R-2 Residential

### **COMPREHENSIVE PLAN SPECIFICATIONS:**

The Land Use Plan designates this area as Urban Residential. (F-25)

**ANALYSIS:**

1. This application is to allow the applicant to construct a 8' x 16' addition to their non standard house. The addition encroaches into the side yard setback. The addition is minor and would be beyond the footprint of the house to the south.
2. The house is non-standard because the lot width is 37 feet instead of the required 50 feet and the side yard setback in 3 feet instead of the required 5 feet.
3. Section 27.63.540, Permitted Special Use: Expansion of nonstandard single and two-family dwellings into required yards states:

In the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 districts, a special permit may be granted to permit the expansion of a nonstandard single-family or two-family dwelling into a required yard under the following conditions:

**(1) The proposed building expansion shall not extend further into any required yard than the furthest extension of the existing single- or two-family dwelling.**

The proposed addition is shown in line with the existing house. The existing house has a 3 feet side yard setback along the south lot line. The R-4 zoning regulations require a 5 feet side yard setback.

**(2) The proposed building expansion shall comply with all other height and area regulations of the zoning district in which the building is located.**

The proposed expansion complies with all other height and area regulations.

**(3) The use of the building shall remain a single- or two-family dwelling.**

This is a recommended condition of approval.

**CONDITIONS:**

Site Specific:

1. This approval permits the expansion of a nonstandard single-family dwelling into the required side yard setback.
2. Label the site plan, add a north arrow and make the dimensions large enough to read. Identify the area of expansion.

3. The expansion shall not extend further into a required yard than the furthest extension of the existing dwelling.
4. The expansion shall meet the height limit of the zoning district.
5. The use of the main structure shall remain a single or two-family dwelling.

General:

2. Before receiving building permits:
  - 2.1 The permittee shall complete the following instructions and submit the documents and plans to the Planning Department office for review and approval.
    - 2.1.1 A revised site plan including 5 copies.
  - 2.3 The construction plans comply with the approved plans.

STANDARD CONDITIONS:

3. The following conditions are applicable to all requests:
  - 3.1 Before occupying the addition all development and construction is to comply with the approved plans.
  - 3.6 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
  - 3.7 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
  - 3.8 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

Prepared by

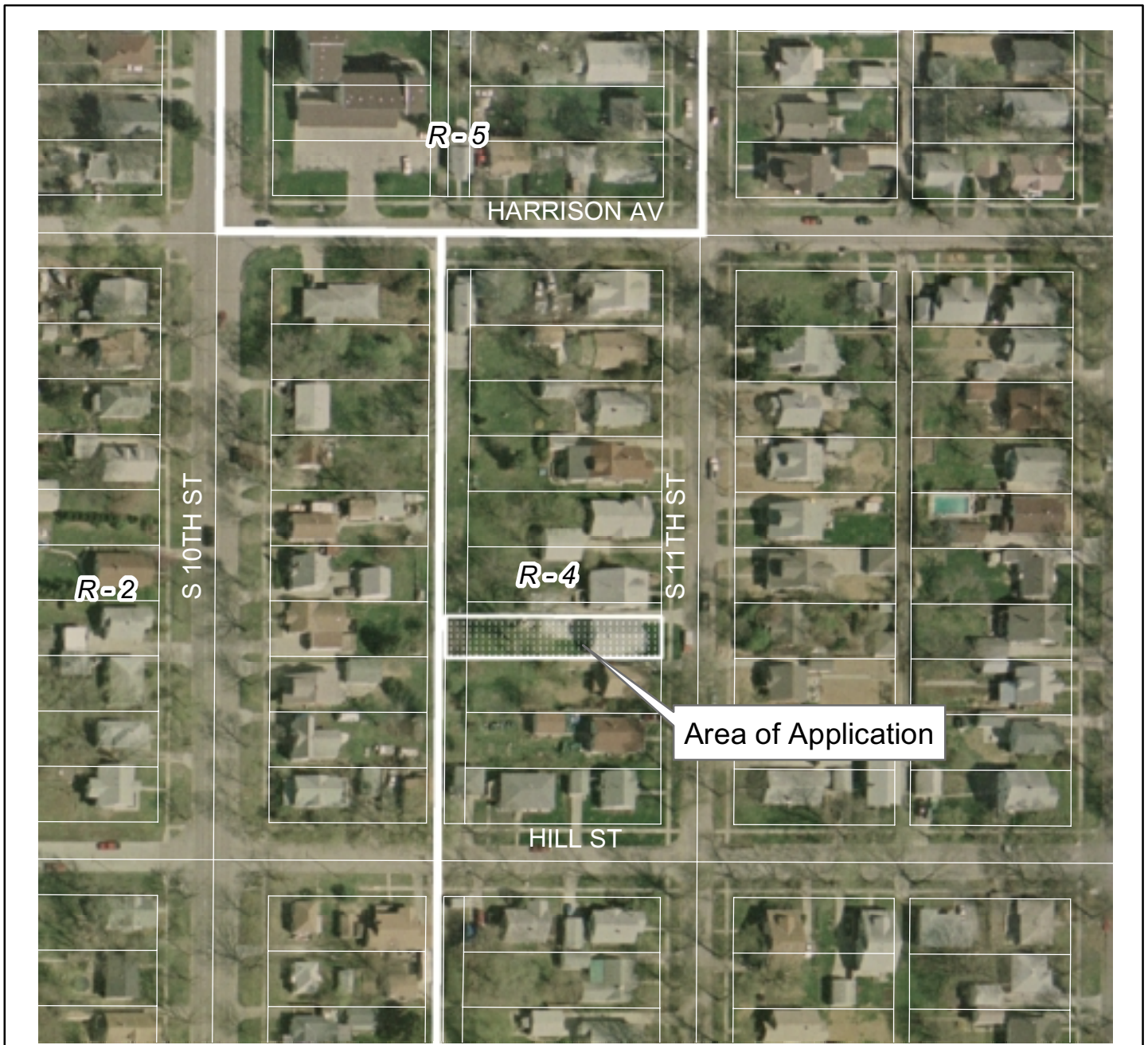
Tom Cajka  
Planner

**DATE:** June 4, 2004

**APPLICANT:** George Peterson  
2653 S. 11<sup>th</sup> St.  
Lincoln, NE 68502  
(402) 730-8050

**OWNER:** same as applicant

**CONTACT:** same as applicant



2002 aerial

## Special Permit #04030 2653 S. 11th St.

### Zoning:

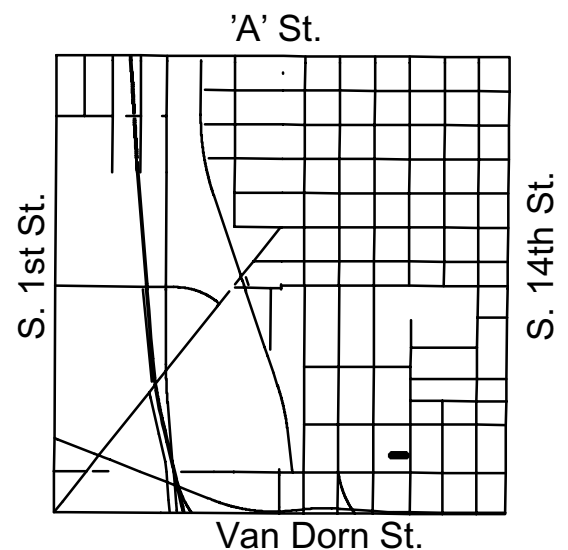
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 35 T10N R6E



Zoning Jurisdiction Lines

City Limit Jurisdiction



2653 south 11<sup>th</sup> Street  
Lincoln, NE 68502  
May 14, 2004

City of Lincoln Planning Commission  
555 South 10<sup>th</sup> Street  
Lincoln, NE 68508

Dear Planning Commission:

My wife, Angela, and I have recently purchased the residence at 2653 south 11<sup>th</sup> street. In addition to building a garage in the back of the lot and finishing the upstairs, we would like to place an 8x16 foot addition on our kitchen. Our house was built in 1927. It is on a non-conforming lot that is 37½x197 foot. On the north side of the house, we share a driveway with our neighbor. On the south side of the house, we only have a three foot set back. It is on this southwest side of the building that we wish to place our addition.

In order to obtain the required building permit, I was informed by the building department that I was required to obtain a special permit from your commission allowing this addition. Without the special permit from your commission, our addition will be required to be five feet from the lot line, thus placing a two foot jog in our kitchen wall. If at all possible, we would like to avoid that, and keep the south wall of our house straight.

To help you with your decision, I have also submitted seven copies of our site plan, both as it exists now and as we would like to modify it, and seven copies of our floor plan, again as it exists now and as we would like to modify it.

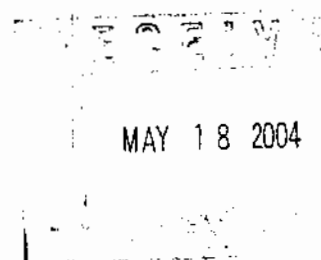
If you require further information, please do not hesitate to contact me at (402) 730-8050. I look forward to your decision.

Sincerely,



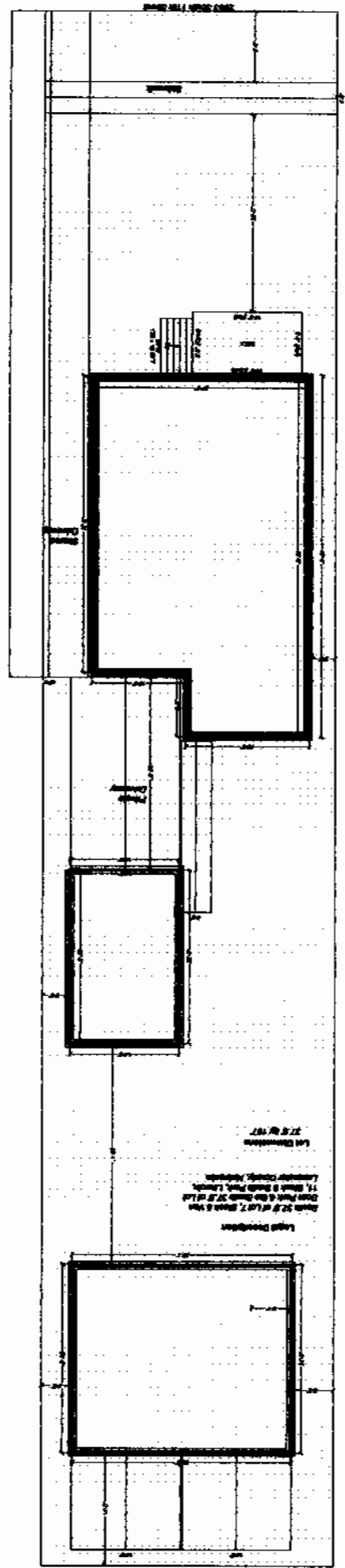
George Peterson

Enc.



MAY 18 2004  
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 LANDOWNERS COUNTY  
 PLANNING DEPARTMENT

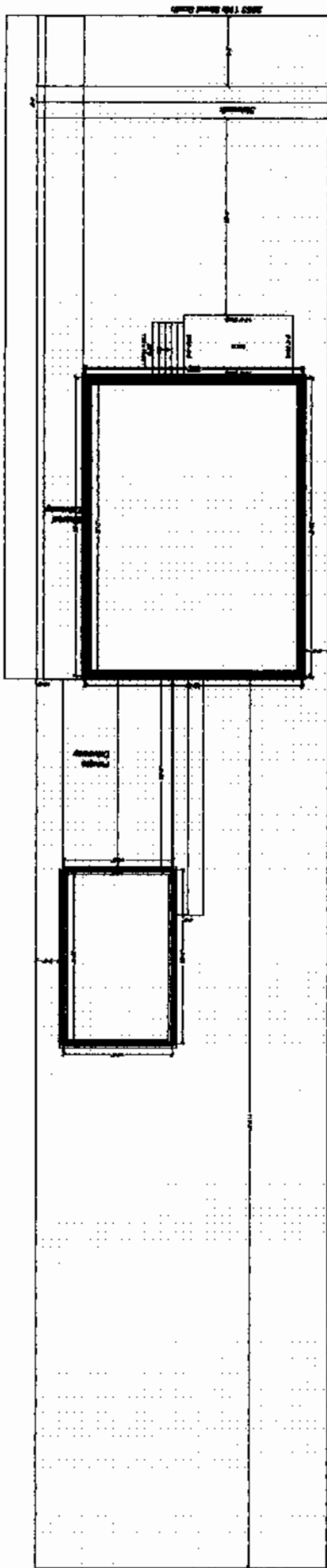
Proposed Site Plan  
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AMERICAN UNIVERSITY  
PLANNING DEPARTMENT  
MAY 18 2004  
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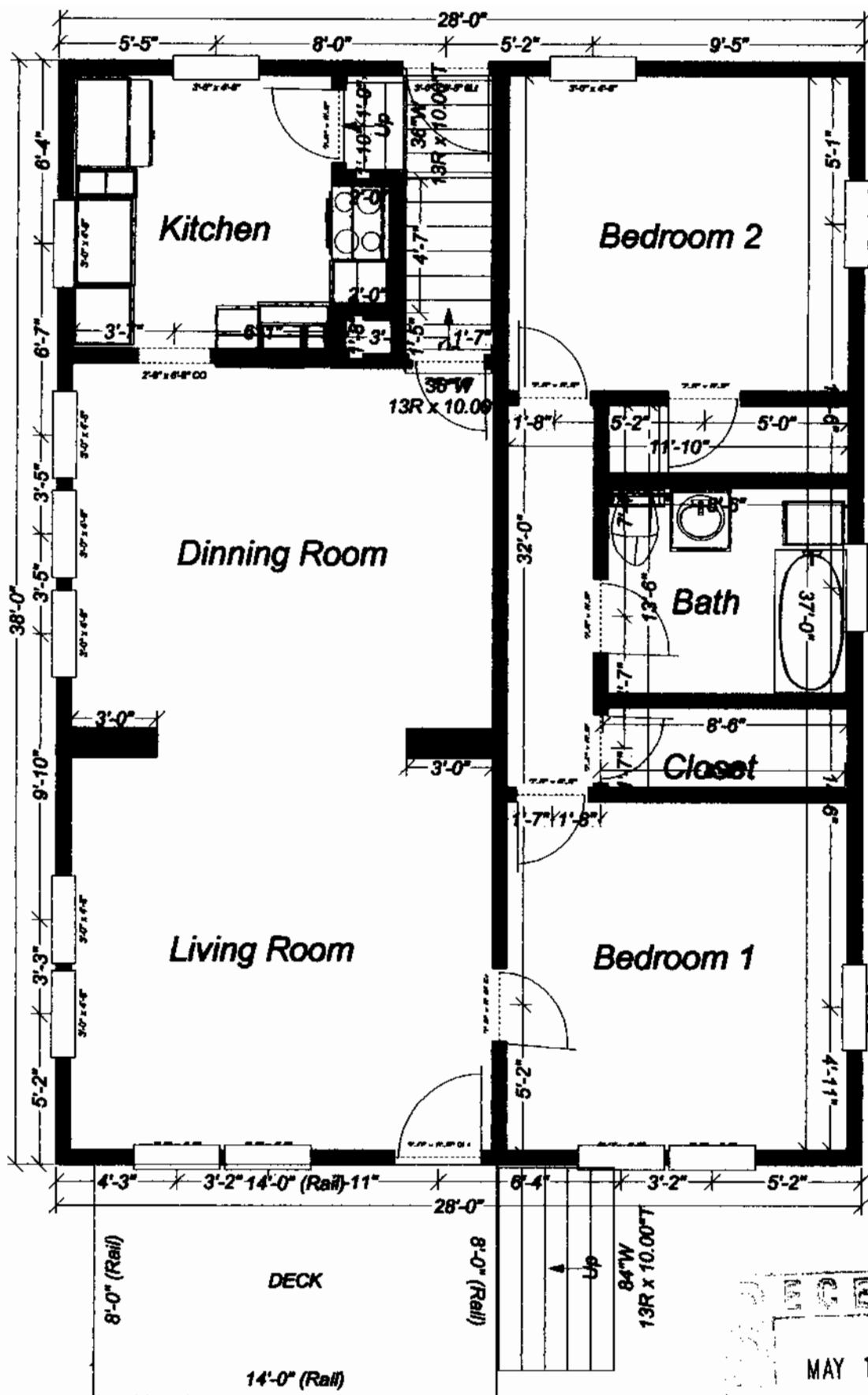
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Testing Site Plan





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